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In re Application of

Brown, et al.:

Application No. 10/088,876

: DECISION ON PETITION

Filed: January 16, 2003

Attorney Docket No. A0000180/2-01-MG

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This is a decision on the petition under 37 CFR §1.137(b), September 5, 2007, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely remit the issue fee of \$1400.00 as required by the Notice of Allowance and Issue Fee Due (the "Notice") mailed May 25, 2007. The Notice set forth a three (3) month statutory period for reply. No response was received within the allowable period. Accordingly, this application became abandoned on August 26, 2007. A Notice of Abandonment was mailed on September 10, 2007.

The issue fee was received on September 5, 2007.

Form PTOL-85B, filed September 5, 2007, is noted and made of record.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application is being directed to the Office of Patent Publications for further processing.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.



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Petitions Attorney  
Office of Petitions